

Remarks

In view of the following amendments and remarks, favorable reconsideration of the outstanding office action is respectfully requested. Claims 2 – 19 remain in this application. Claims 3 – 7, 9, 13, and 16 – 19 have been amended. Claim 1 has been canceled in a previous amendment.

1. Allowed Claims/Subject Matter

Applicants note with appreciation that the Examiner has indicated the subject matter of claims 2 – 9 are patentable, and would be allowable if rewritten to overcome the Objections and Rejections as set forth in his outstanding Office Action.

2. Drawings

A. Copies of annotated drawings are submitted with this Response, including proposed revisions marked in red for the Examiner's review and approval. The proposed revisions are discussed on page 10 in the "Amendments to the Drawings" Section of this paper. In particular, reference numeral 48 has been added to Figure 1B. In Figure 3, the lead line for reference numeral 22 has been corrected by extending it to the proper location. Further, reference numeral 18 has been added to Figure 3 as well. The lead line for reference numeral 42 has been repositioned to its correct location.

B. The Examiner has objected to the drawings under 37 C.F.R. 1.83(a). The examiner asserts that the drawings do not show every feature of the claimed invention. The applicants respectfully point out that the drawings do, in fact, show each and every element of the claimed invention. The applicants respectfully direct the examiner to the Figures and the Specification.

The drawings show the electrical device 50 in Figure 1A. The body member is identified in Figures 4A – 4C as reference numeral 46. See page 4, lines 16. The at least one terminal is shown in Figure 1B, Figure 3, Figure 4A, Figure 4B, and Figure 4C and identified as terminal 48 in Figure 3. As noted above, a reference to terminal 48 has been added to Figure 1B to more clearly show that element. Because the terminal is a three-dimensional object, various drawing views are required to show the various aspects of terminal 48.

The three-positional wiring mechanism is explicitly depicted in Figure 3 (interior cross-sectional view of speed-wire position), Figure 4A (“back-wire” position), Figure 4B (“side-wire” position), and Figure 4C (“speed-wire” position). The pressure plate is clearly shown as plate 10 in Figure 1B. Pressure plate 10 is shown in detail in Figure 2A and Figure 2B. In particular, pressure plate 10 includes “anti-rotation leg 22. A cross-sectional view of pressure plate 10 is shown in Figure 1B. In Figure 4A, wire 28 is shown as being captivated between pressure plate 10 and terminal 48. In Figure 4B, wire 28 is “wire-wrapped” between screw-head 30 and pressure plate 10.

The recited wiring post element is the element that is used to couple the wire to the three-positional wiring mechanism. Accordingly, the wiring post element is shown to include terminal post 26 (Figure 1B) for coupling the wire to the terminal in the back wire position and the side wire position. The wiring post element also includes speed-wire arm 44 which is used to couple the wire to terminal 48 in the speed wire position. Both of these elements are coupled to the terminal because they are shown in the Figures as being integral with terminal 48.. Of course, these elements do not have to be integral portions of terminal 48. However, there must be electrical continuity between these elements.

Accordingly, the applicants have pointed out in great detail where the Figures show each and every element of the claimed invention. The applicants respectfully request that the Object to the Drawings under 37 C.F.R. 1.83(a) be withdrawn.

3. Specification

The Examiner has objected to the specification under 37 C.F.R. 1.75(d)(1) for failing to provide proper antecedent basis for the claimed subject matter. The examiner goes on to assert that claims 2 – 19 are not adequately supported by the specification.

Rule 75(d)(1) states “The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” Applicants point out that the rule provides two alternative means for a claim term to conform to the specification, i.e., there may be antecedent basis, OR clear support. It is well settled in the case law that claim terms do not have to appear in the specification *in haec verba*, i.e., “in those words.” In other

words, a claim term does not have to appear in the specification as long as it has support therein.

The applicants respectfully assert that the examiner's objection is improper because it fails to point to any particular claim term that fails to conform to the specification. Merely stating that the specification lacks antecedent basis without pointing to a claim term provides the applicant with no guidance whatsoever. Accordingly, the applicant respectfully requests that the objection to the specification be withdrawn.

4. § 112 Rejections

A. The Examiner has rejected claims 2 – 9 under 35 U.S.C. § 112, first paragraph, as being non-enabling. In particular, the Examiner asserts that the a person skilled in the art would not be enabled to make or assemble the invention commensurate in scope with the claims. The examiner states that the specification does not disclose the subject matter of claim 2.

Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? That standard is still the one to be applied. *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988).

In this case, the applicant has provided production quality drawings that a manufacturing facility could use to produce the claimed invention. Further, the specification clearly identifies each and every claim element in detail.

Referring to the Drawings and the Specification, the drawings show the electrical device 50 in Figure 1A. See Specification at page 2, lines 23 – 26. The body member is identified in Figures 4A – 4C as reference numeral 46. See specification at page 4, lines 16. The at least one terminal is shown in Figure 1B, Figure 3, Figure 4A, Figure 4B, and Figure 4C and identified as terminal 48 in Figure 3. See specification at page 4, lines 12 – 18. As noted above, a reference to terminal 48 has been added to Figure 1B to more clearly show that

element. Because the terminal is a three-dimensional object, various drawing views are required to show the various aspects of terminal 48.

The three-positional wiring mechanism is explicitly depicted in Figure 3 (interior cross-sectional view of speed-wire position), Figure 4A (“back-wire” position), Figure 4B (“side-wire” position), and Figure 4C (“speed-wire” position). See Specification at page 3, lines 18 – 19.

The pressure plate is clearly shown as plate 10 in Figure 1B. Pressure plate 10 is shown in detail in Figure 2A and Figure 2B. In particular, pressure plate 10 includes “anti-rotation leg 22. A cross-sectional view of pressure plate 10 is shown in Figure 1B. In Figure 4A, wire 28 is shown as being captivated between pressure plate 10 and terminal 48. In Figure 4B, wire 28 is “wire-wrapped” between screw-head 30 and pressure plate 10. See Specification at page 2, line 28 - page 4, line 11.

The recited wiring post element is the element that is used to couple the wire to the three-positional wiring mechanism. Accordingly, the wiring post element is shown to include terminal post 26 (Figure 1B) for coupling the wire to the terminal in the back wire position and the side wire position. See Specification at page 2, lines 22 – 26. The wiring post element also includes speed-wire arm 44 which is used to couple the wire to terminal 48 in the speed wire position. See Specification at page 4, lines 12 – 18. Both of these elements are coupled to the terminal because they are shown in the Figures as being electrically continuous with terminal 48. Compare, for example, Figure 1B and Figure 3. Of course, these elements do not have to be integral portions of terminal 48.

The applicants have shown in great detail that the claimed invention is well-supported by both the Figures and the Specification.

Accordingly, the applicants respectfully request that the examiner withdraw the rejection of claims 2 – 9 under 35 U.S.C. § 112, first paragraph, for the aforementioned reasons.

B. The Examiner has rejected claims 3 – 19 under 35 U.S.C. § 112, second paragraph, as being indefinite because these claims depend from claim 1 which has been canceled. In response, the applicants have amended these claims to depend from claim 2.

Accordingly, the applicants respectfully request that the examiner withdraw the rejection of claims 3 – 9 under 35 U.S.C. § 112, second paragraph, in light of the amendments to the claims.

5. Conclusion

Based upon the amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 2 – 19 and a prompt Notice of Allowance thereon.

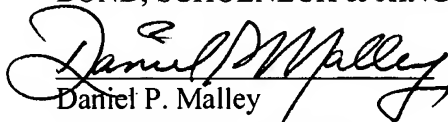
Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to Daniel P. Malley at (607) 330-4010.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC

Date: 11/15/04



Daniel P. Malley

Registration No. 43,443

BOND, SCHOENECK & KING, PLLC

10 Brown Rd.

Suite 201

Ithaca, NY

14850-1248

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Amendments to the Drawings

The attached sheets of drawings includes changes to Figures 1 – 4C. In particular, reference numeral 48 has been added to Figure 1B. In Figure 3, the lead line for reference numeral 22 has been corrected by extending it to the proper location. Further, reference numeral 18 has been added to Figure 3 as well. The lead line for reference numeral 42 has been repositioned to its correct location.

Attachment: Five (5) Annotated Sheet Showing Changes are attached hereto.

In accordance with the examiner's instructions in paragraph 2 of his outstanding Office Action, Replacement sheets will be deferred until after the drawing changes are approved by the examiner.